

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Jimmy H. Causey, #3172046,	)	Case No.: 4:22-cv-01475-JD-TER
	)	
Plaintiff,	)	
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Charles Williams, Ms. Davis, Ms. Cloud,	)	
Ms. Lim, Susan Duffy, Ms. Lee, David	)	
Burzinski, Coata Kimbrell, John Palmer,	)	
Joel Anderson, Brian Stirling, Kayla	)	
Shervey,	)	
Defendants.	)	
	)	

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This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III (“Report and Recommendation”) (DE 16), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.<sup>1</sup> Jimmy H. Causey (“Causey” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983, alleging violations under the First and Eighth Amendments claiming malnutrition resulting in weight loss, retaliation, conditions of confinement, and long-term solitary confinement. (DE 12.)

On May 16, 2022, Plaintiff was informed via court order of deficiencies in his Complaint that would subject his Complaint to partial summary dismissal and was given an opportunity to file an Amended Complaint. (DE 9.) Plaintiff filed an Amended Complaint on June 6, 2022, (DE

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

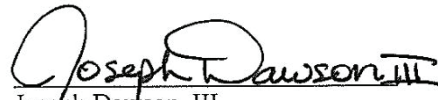
12); however, Plaintiff failed to cure the deficiencies related to Defendant Brian Stirling (“Stirling” or “Defendant”).

The Report and Recommendation was issued on June 14, 2022, recommending that Stirling be summarily dismissed with prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that Defendant Brian Sterling is summarily dismissed with prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

  
Joseph Dawson, III  
United States District Judge

Florence, South Carolina  
July 27, 2022

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.